

CLARK COUNTY SCHOOL DISTRICT REGULATION

R-5114.2

DISCIPLINE: EXPULSION PROCEDURES

- I. Expulsion is the removal of a student from school for any of the applicable offenses outlined in the *Clark County School District K-12 Student Code of Conduct*. Students receiving, and students who have been identified as qualifying for special education and/or 504 services, shall be disciplined in accordance with the provisions of Part B of the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. The procedures for determining whether a student should be recommended for expulsion are set forth below.
 - A. The principal or designee shall report any violation of the law to the appropriate law enforcement agency.
 - B. The principal shall suspend the student by use of a Notice of Suspension pending further investigation by administration and review of the facts, which may lead to a recommendation for expulsion.
 - C. Within three (3) school days of the suspension, the principal or designee must conduct a hearing with the student and the student's parent/guardian to discuss the investigation of the incident, the violation of school rules and/or District regulations, and the student's prior discipline history, as well as any information submitted that the parent/guardian would like the principal or designee to consider as it relates to the suspension and the possible recommendation for expulsion.

At the conclusion of the hearing, the principal or designee shall make a decision regarding the disciplinary action, which may include a recommendation for expulsion. The principal or designee must recommend expulsion if it is determined at the hearing the student has or is believed to have committed the offense of possession of a firearm or dangerous weapon, as defined by Nevada Revised Statutes (NRS) 392.466 while on the premises of any public school, at an activity sponsored by a public school, or on any school bus, which requires a mandatory recommendation for expulsion.

- D. If the student is to be recommended for expulsion, the parent/guardian must be informed of the due process procedures available. The parent/guardian must decide whether to contest or not contest the expulsion and sign a statement to that effect. If the parent/guardian does not sign the statement, the expulsion will be treated

R-5114.2 (Page 2)

as a contested expulsion. The parent/guardian will be provided in writing with the available due process procedures. These procedures will be provided during the hearing with the principal or designee, or with the written decision.

- E. The student is at least eleven (11) years of age (no age limitation for general education students) for possession of a firearm or dangerous weapon, as defined by NRS 392.466, while on the premises of any public school, at an activity sponsored by a public school, or on any school bus.
 - F. The school shall provide a restorative plan of action to the parent/guardian of the student.
- II. The following levels of due process are available to the parent/guardian of a student who is being recommended for expulsion:
- A. A hearing will be conducted by the principal or designee. The principal will disclose information obtained during the investigation of the incident which resulted in the recommendation for expulsion. This information, as well as the student's prior disciplinary record will be reviewed with the student and the parent/guardian. The parent/guardian must be allowed to present any information to the principal or designee that the parent/guardian would like the principal or designee to consider. The student must also be allowed to be heard regarding the incident resulting in the recommendation for expulsion.
 - B. At the conclusion of the hearing, the principal or designee shall inform the parent/guardian of the decision and must within two (2) school days following the hearing provide written notice to the parent/guardian of the decision regarding the recommended expulsion.
 - C. If the decision to recommend expulsion is upheld by the principal, the principal or designee will forward the required documentation (as listed on Clark County School District Referral School Form to the applicable region behavior director within two (2) school days.
 - D. Within three (3) school days of receiving the principal's recommendation, the region behavior director will review the recommendation to assure compliance with due process procedures and evaluate the appropriateness of the discipline recommended. The region behavior director will determine whether the recommended expulsion should be limited or permanent as defined in Section III (D)(4), or modified.
 - E. Within two (2) school days after a determination has been made, the region behavior director will notify the parent/guardian of the recommendation and determination.

- F. If the decision to recommend expulsion is upheld and the parent/guardian decides to contest the expulsion recommendation, the parent/guardian must notify the region behavior director of the intent to contest the recommendation for expulsion within fourteen (14) days of receiving notice of the recommendation for expulsion. Within fourteen (14) days after receipt of the notice contesting the expulsion, a hearing will then be scheduled for an Education Services Division Hearing Panel.

III. EXPULSION HEARING PANEL

- A. The Education Services Division Hearing Panel, selected by the assistant superintendent, Education Services Division or designee, will consist of three (3) members as follows:
 - 1. A secondary education administrator;
 - 2. A secondary education professional licensed staff; and
 - 3. A secondary education support professional.
- B. The members of the Education Services Division Hearing Panel may not be selected from the school from which the student was recommended for expulsion.
- C. Clark County School District police officers may not serve as members of the Education Services Division Hearing Panel.
- D. The Education Services Division Hearing Panel will make the following determinations:
 - 1. What disciplinary offense, if any, has been committed by the student.
 - 2. If the student has committed a disciplinary offense, what is the appropriate consequence and educational placement.
 - 3. The Education Services Division Hearing Panel must consider the nature of the offense; the student's disciplinary history for one calendar year prior to the recommendation for expulsion; the student's academic record and academic concerns; as well as any district regulations, and state or federal laws.
 - 4. If the Education Services Division Hearing Panel determines that the student has committed the offense for which the student has been charged, the Education Services Division Hearing Panel may decide on:

- a. Permanent expulsion - Permanent expulsion means permanent removal of a student from a regular school campus and contemplates no trial enrollment except for alternative school placement.
 - b. Limited expulsion - Limited expulsion allows a student to return to a regular school campus, which may or may not be the campus from which the student was expelled, on a trial enrollment following a successful period of alternative school placement, except that no student who has been twice expelled for an offense for which a mandatory expulsion recommendation must be made in accordance with Clark County School District Regulation 5141.1 may be granted more than one (1) trial enrollment in Grades 6 through 8 and one (1) trial enrollment in Grades 9 through 12.
 - c. A modified plan for school placement.
5. If the disciplinary offense falls under NRS 392.466, mandatory expulsions, and the Education Services Division Hearing Panel determines that the student did commit the disciplinary offense, the Education Services Division Hearing Panel has the authority to modify the expulsion recommendation, if such modification is made in writing and the Education Services Division Hearing Panel determines that a restorative plan of action may be used successfully.
- E. If appropriate, the assistant superintendent, Education Services Division, may process an appeal directly to the Board of School Trustees Expulsion Review Board.
 - F. If the Education Services Division Hearing Panel upholds the decision to expel the student and the parent/guardian does not agree with the decision of the Education Services Division Hearing Panel, the parent/guardian may appeal the decision to the Board of School Trustees Expulsion Review Board.
 - G. An appeal to the Board of School Trustees Expulsion Review Board must be requested in writing and submitted to the assistant superintendent, Education Services Division, or designee no later than fourteen (14) days after receipt of the decision of the Education Services Division Hearing Panel.

IV. EXPULSION REVIEW BOARD

- A. The Board of School Trustees Expulsion Review Board will consist of a panel composed of three (3) members, with no more than two (2) members of the Board of School Trustees selected on a rotating basis and an individual selected from a pool of individuals to be identified by the Superintendent of Schools or designee. A Trustee may not, however, serve as a member of the Board of School Trustees Expulsion Review Board to hear any appeal from a student's parent/guardian within the Board District represented by the Trustee.
- B. The Board of School Trustees Expulsion Review Board will meet as necessary.
- C. The identified pool of persons eligible to serve as members of the panel of the Board of School Trustees Expulsion Review Board will consist of former Trustees, retired educational administrators, retired school counselors, and retired school psychologists. A person selected to serve as a member of the Board of School Trustees Expulsion Review Board will serve a term of one (1) year as a member of the Board of School Trustees Expulsion Review Board.
- D. Two (2) members of the Board of School Trustees Expulsion Review Board will constitute a quorum. A quorum does not have to include a Trustee. A decision of the Board of School Trustees Expulsion Review Board shall be by majority vote and two (2) votes are required to constitute a majority.
- E. The Board of School Trustees Expulsion Review Board will conduct an evidentiary hearing at which both, a school administrator(s) and the student and parent/guardian, may present evidence, testimony, and argument related to the student's alleged misconduct and the appropriate discipline in view of all the circumstances, including any prior disciplinary intervention(s) by the school. The evidence and testimony may be directed to the incident itself and/or to the character of the student, including, for example, no more than three (3) other persons familiar with the character or background of the student. Such evidence may not include testimony or other evidence regarding the school disciplinary status of other students who may have been involved in the incident.
- F. The student may be represented by legal counsel at the Board of School Trustees Expulsion Review Board hearing, if the parent/guardian so desires, at no expense to the District. The school shall be represented by the Office of the General Counsel. The Board of School Trustees

Expulsion Review Board will be represented by counsel from the Office of the Clark County District Attorney.

- G. The Board of School Trustees Expulsion Review Board must make the following determinations:
 - 1. What disciplinary offense, if any, has been committed by the student; and
 - 2. If the student has committed a disciplinary offense, what is the appropriate consequence and educational placement considering the nature of the offense, the student's disciplinary history for one (1) calendar year prior to the date of the subject offense, as well as the student's overall academic record or any other academic concerns.
- H. The Board of School Trustees will be informed by the assistant superintendent, Education Services Division, or designee, of the decision of the Board of School Trustees Expulsion Review Board.
- I. The Board of School Trustees will not conduct a formal hearing regarding the decision of the Board of School Trustees Expulsion Review Board, having designated the Board of School Trustees Expulsion Review Board as the final level of due process for the review of an expulsion recommendation, including expulsion recommendations which result from conduct that is in violation of the Federal Gun-Free Schools Act of 1994. If the disciplinary offense falls under NRS 392.466, mandatory expulsions, and it is determined that the student did commit the disciplinary offense the Board of School Trustees Expulsion Review Board has the authority to modify the expulsion, if such modification is made in writing and the Board of School Trustees determines that a restorative plan of action may be used successfully.
- J. The decision of the Board of School Trustees Expulsion Review Board is final and binding.

Cross References: Policy 5114, Discipline: Student Exemption and Exclusion (Voluntary and Involuntary)
Regulation 5114, Student Dismissal (Voluntary and Involuntary)
Regulation 5114.1, Discipline: Suspension Procedures
Regulation 5141.1, Discipline: Control of Dangerous and Antisocial Behavior
Regulation 5141.2, Discipline: Harassment

Regulation 5140, Student Discipline and Cooperation
with Law Enforcement Agencies
Policy 1213, Public Concerns
Regulation 1213.1 Public Concerns

Legal References:	NRS Chapter 392 Pupils
Review Responsibility:	Education Services Division
Adopted:	[10/8/98]
Pol Gov Rev:	9/5/01
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